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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,922	07/09/2001	Worthington B. Houghton JR.	155603-0195	7104

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11/20/2003

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,922

Applicant(s)

HOUGHTON ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of amendment C filed October 16, 2003.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16, 2003 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 8, 14, 20, and 25 recite a support plate that moves in a rotational direction relative to the housing when unseated from the housing. As best understood by the examiner the unseated position occurs during a fully extended or charged condition, as illustrated in the figure

1. The specification clearly states on page 5 lines 4-14 and on page 8 lines 6-9 that when the device is in the fully extended position, the non-circular seat 48 and non-circular outer piston surface 50 will prevent rotation of the support plate 30. Clearly the recited limitations of the claims are not supported by the specification. For examination purposes claims 1, 8, 14, 20 and

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25 will be interpreted to imply that the support plate cannot rotate when in the fully extended condition.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14-18 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,071,108 to Houghton, Jr.

Re-claim 14, Houghton, Jr. discloses a vibration isolator, comprising: a housing 23 with an outer alignment means 32; a support plate 28 that moves in an axial direction, the support plate has means for seating the support plate (interpreted as 31, column 3 lines 23-30) with the outer alignment means of the housing 32 so that the support plate will not rotate when seated in the housing; a pendulum 21 is coupled to the support plate.

Re-claim 15, the pendulum assembly 21 includes a cable 22 coupled to a piston 15 and the support plate 28, the piston is coupled to the housing 23 via the cable.

Re-claim 16, the housing 23 is provided with an inner alignment means, the piston has means for aligning with the housing. Houghton, Jr. discloses that alignment means 38 of figure 2 can be incorporated into the embodiment of figure 1.

Re-claim 17, the housing 23 includes an inner cylinder 10 which defines a first inner chamber 16 and is located within a second inner chamber defined by hollow leg 13, see column 2 lines 44-46, the piston 15 is located within the first inner chamber 16.

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Re-claim 18, the inner cylinder 10 includes a damping element 17, compressed gas is a damping element.

Re-claim 20, Houghton, Jr. discloses in figure 1 a vibration isolator, comprising: a housing 23 with an inner alignment means 34; a support plate 28 moves in an axial direction relative to the housing; a piston 15 moves in an axial direction (such as when being fully extended and retracted) and has alignment means for (interpreted as structure 38) seating the piston with the inner alignment means of the housing 34 thus preventing rotation of the piston when seated in the housing; a cable 22 is coupled to the piston and support plate. Houghton, Jr. discloses that the embodiment of figure 1 can incorporate the piston alignment means 38 of the embodiment in figure 2, column 4 lines 21-25.

Re-claim 21, the housing 23 is provided with an outer alignment means 32, the support plate 28 has means for 31 aligning with the housing.

Re-claim 22, the housing 23 includes an inner cylinder 10 which defines a first inner chamber 16 and is located within a second inner chamber defined by hollow leg 13, see column 2 lines 44-46, the piston 15 is located within the first inner chamber 16.

Re-claim 23, the inner cylinder 10 includes a damping element 17, compressed gas is a damping element.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 8-12, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,071,108 to Houghton, Jr. in view of DE 1,605,178.

Re-claim 1, Houghton, Jr. teaches a vibration isolator, comprising: a housing 23 with an outer alignment means 32; a support plate 28 that moves in an axial direction, the support plate has means for seating the support plate (interpreted as 31, column 3 lines 23-30) with the outer alignment means of the housing 32 so that the support plate will not rotate when seated in the housing; a pendulum 21 is coupled to the support plate.. However, Houghton, Jr. fails to teach the outer seat and the shoulder as having a non-circular shape.

DE 1,605,178 teaches a centering device having a square shape, or non-circular shape, thus preventing unwanted rotation between elements 1 and 6. It would have been obvious to one of ordinary skill in the art to have designed the outer seat and shoulder structures of Houghton, Jr. as non-circular as taught by DE 1,605,178, thus preventing unwanted rotation between the housing and the support plate during a centering function.

Re-claim 2, the outer seat of Houghton, Jr. is tapered.

Re-claim 3, the pendulum assembly 21 includes a cable 22 coupled to a piston 15 and the support plate 28, the piston 15 is coupled to the housing via the cable for instance.

Re-claim 4, the housing 23 has an inner seat and the piston is provided with an outer top surface. Houghton, Jr. teaches that the centering structure 38 of figure 2 can be incorporated into the embodiment of figure 1, column 4 lines 21-25. However, Houghton, Jr. fail to teach the non-circular design of inner seat and outer top surface.

DE 1,605,178 teaches a centering device having a square shape, or non-circular shape, thus preventing unwanted rotation between elements 1 and 6. It would have been obvious to one

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of ordinary skill in the art to have designed the inner seat of the housing and the outer top surface of the piston of Houghton, Jr. as being non-circular as taught by DE 1,605,178, thus preventing unwanted rotation between the housing and the support plate during a centering function.

Re-claim 5, the housing 23 includes an inner cylinder 10 which defines a first inner chamber 16 and is located within a second inner chamber defined by hollow leg 13, see column 2 lines 44-46, the piston 15 is located within the first inner chamber 16.

Re-claim 6, the inner cylinder 10 includes a damping element 17, compressed gas is a damping element.

Re-claim 8, Houghton, Jr. teaches a vibration isolator, comprising: a housing 23 having an inner seat 32; a support plate 28 moves in an axial direction; a piston 15 with an outer surface 26/31; a cable 22 is coupled to the piston and the support plate, the cable is coupled to the piston 15 and the support plate 28 via the pendulum assembly 21 in figure 1. Houghton, Jr. teaches that centering structure 38 of embodiment 2 (figure 2) can be used in embodiment 1 (figure 1). This structure will provide the housing with an inner and outer seat, the seats are seen as axially opposing surfaces of element 34. However, Houghton, Jr. fails to teach the inner seat and the outer surface of the piston as having a non-circular shape, thus preventing rotation of the support plate when seated.

DE 1,605,178 teaches a centering device having a square shape, or non-circular shape, thus preventing unwanted rotation between elements 1 and 6. It would have been obvious to one of ordinary skill in the art to have designed the inner seat and the piston outer surface of Houghton, Jr. as non-circular as taught by DE 1,605,178, thus preventing unwanted rotation between the housing and the support plate during a centering function.

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Re-claim 9, the inner seat is tapered.

Re-claim 10, the housing 23 has an outer seat and the support is provided with a shoulder 32. However, Houghton, Jr. fail to teach the non-circular design of outer seat and shoulder.

DE 1,605,178 teaches a centering device having a square shape, or non-circular shape, thus preventing unwanted rotation between elements 1 and 6. It would have been obvious to one of ordinary skill in the art to have designed the outer seat and shoulder element of Houghton, Jr. as being non-circular as taught by DE 1,605,178, thus preventing unwanted rotation between the housing and the support plate during a centering function.

Re-claim 11, the housing 23 includes an inner cylinder 10 which defines a first inner chamber 16 and is located within a second inner chamber defined by hollow leg 13, see column 2 lines 44-46, the piston 15 is located within the first inner chamber 16.

Re-claim 12, the inner cylinder 10 includes a damping element 17, compressed gas is a damping element.

Re-claim 25, Houghton, Jr. teaches a method for aligning a support plate 35 of a pneumatic vibration isolator, comprising: releasing fluid from a housing 10 of a vibration isolator such that a support plate 35 is seated within a seat 34 of the housing, the support plate is coupled to a pendulum assembly, Houghton, Jr. teaches that a pendulum assembly can be coupled to the piston 15 column 3 lines 9-10, the support plate 35 is capable of movement in the axial direction. However, Houghton, Jr. fails to teach the housing as having a non-circular seat, thus preventing unwanted rotation of the support plate when seated with the housing.

DE 1,605,178 teaches a centering device having a non-circular shape, thus preventing unwanted rotation between elements 1 and 6. It would have been obvious to one of ordinary

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skill in the art to have designed the seat of the housing of Houghton, Jr. as non-circular as taught by DE 1,605,178, thus preventing unwanted rotation between the housing and the support plate during a centering function.

Re-claim 26, a payload 12 is attached to the support plate 28.

9. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houghton, Jr. in view of DE 1,605,178 as applied to claims 1, 3 and 8 above, and further in view of US 5,779,010 to Nelson.

Re-claims 7 and 13, Houghton, Jr. fails to teach a hollow piston opening into the first inner chamber. Nelson teaches a vibration isolator having a hollow piston 26, thus defining an inner cavity. It would have been obvious to one of ordinary skill in the art to have provided the device of Houghton, Jr. with a hollow piston as taught by Nelson, thus reducing the overall weight of the vibration isolating device.

10. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houghton, Jr. in view of US 5,779,010 to Nelson.

Re-claims 19 and 24, Houghton, Jr. fails to teach a hollow piston opening into the first inner chamber. Nelson teaches a vibration isolator having a hollow piston 26, thus defining an inner cavity. It would have been obvious to one of ordinary skill in the art to have provided the device of Houghton, Jr. with a hollow piston as taught by Nelson, thus reducing the overall weight of the vibration isolating device.

Response to Arguments

11. Applicant's arguments filed October 16, 2003 have been fully considered but they are not persuasive. The applicant contends that the support plate can rotate when the piston is not seated

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within the housing. The examiner is unable to locate this limitation in the originally filed specification. The applicant is asked to provide the page and lines that provide support for this argument. The purpose of the invention is to prevent rotation, as is stated in the background and abstract. Therefore, the applicant cannot argue that the invention will inherently allow rotation during various charging states of the invention. The examiner has applied art to the claims as best understood by the examiner in light of the specification.

Conclusion

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

November 19, 2003

**THOMAS WILLIAMS
PATENT EXAMINER**

Thomas J. Williams
AU 3683
Nov. 19. 2003